

REMARKS

Favorable reconsideration of this application in view of the remarks to follow is respectfully requested. Since the present Response raises no new issues, and in any event, places the application in better condition for consideration on appeal, entry of allowance thereof is respectfully requested under the provisions of 37 C.F.R. §1.116.

Claims 12-16 remain pending. Of these, claims 12 and 13 are independent. By this reply, independent claims 12 and 13 are amended to recite the logical step of determining that a handoff selector switch is not in an override position. Support for this amendment is found in, *inter alia*, paragraph [0030] of the instant application.

Rejection under 35 U.S.C. §112

In the outstanding Office Action, claims 12 and 13 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly reciting features that are not described in the specification. Specifically, it is asserted that there is no support in the specification for “determining a position of a handoff selector switch.” Applicants respectfully traverse. Paragraphs [0029] and [0030] of the specification adequately describe a handoff selector switch that is activated/deactivated by the user in order to initiate/override a handoff. Furthermore, since the actual handoff takes place at the cellular network as described in paragraphs [0025]-[0028] and FIGS. 3-4, it is evident that the logic at the cellular network is able to monitor the position of the handoff selector switch on the wireless device. Moreover, the Office Action mistakenly assumes that the selector switch is a physical switch or button that is pressed, pushed, or depressed. *See* Office Action, page 2. However, the specification clearly describes that the selector switch may be activated via a command on an interface of the wireless device. *See* paragraph [0029]. It would be clear to one of ordinary skill in the art that the logic to determine the position of the switch may reside

anywhere on the cellular network, and that the interface on the device is a means for communicating the user's command to the logic via the cellular network.

The claims in question have been further amended to recite the feature of "determining that a handoff selector switch is not in an override position." The above argument still applies, i.e. there is sufficient support in the specification for this feature, because the switching logic on the cellular network will not initiate a handoff if the handoff selector switch on the device is in an override position. See paragraph [0030].

It is also alleged that there is no support in the specification for a call handoff circuitry that determines signal strength threshold. Applicants respectfully traverse. The Office Action mistakenly assumes that the signal strength is only detected by the mobile device, and the information is passed on to the network for handover decision. See Office Action, top of page 3. However, paragraphs [0032] and [0033] of the specification clearly describe an embodiment wherein the *server* 10 determines that a call session is active, and then determines the cellular and 802.1x signal levels (emphasis added).

Since claims 12 and 13, as amended, recite features that are adequately supported by the specification, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112.

Rejections under 35 U.S.C. §103

In the outstanding Office Action, claims 12, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Pub. 2004/0192294 to Pan et al. (hereinafter "Pan") in view of US Pub. 2005/0047435 to Segal et al. (hereinafter "Segal"), further in view of U.S. Pub. 2003/0193910 to Shoaib et al. (hereinafter "Shoaib"). Specifically, it is asserted that Pan discloses an 802.1x network comprising an access point and logic configured to determine when a call handoff switch from the 802.1x network to a cellular network is to occur and to

communicate with a media gateway to cause the call handoff switch to occur. It is also asserted that Segal discloses an 802.1x network comprising a SIP CCF for handling communications external to, as well as internal or inside the WLAN. In case of a handover, it is asserted that the SIP CCF would transfer the new call to the WAN using the cellular address. Further, it is asserted that Shoaib discloses a handover criterion wherein a determination takes place to decide whether or not a handover triggering process should be performed automatically or manually, where if the triggering process is to be done manually, then the user initiates the handover. Applicants respectfully traverse these rejections in light of the amendments to the claims and the remarks to follow.

Neither of the cited references, alone nor in any combination, discloses or fairly suggests the present invention as recited in the pending claims. For example, Pan, Segal, or Shoaib do not teach or suggest an 802.1x network comprising a server, the server comprising logic configured to, for example, determine that a handoff selector switch is not in an override position. As discussed elsewhere, support for this feature can be found in paragraph [0030] of the specification. Specifically, if an automatic handoff from the 802.1x network to the cellular network is impending due to the fact that the threshold conditions in blocks 23 and 24 of FIG. 3A have been met, *the handoff will be prevented if the selector switch has been activated*. This allows a user to continue communicating over a first network although the switching logic determines that a second network is more feasible.

The cited references do not disclose or suggest this feature. Pan discloses logic to determine when a call handoff switch is to occur, but does not disclose an override selector switch. Segal discloses a SIP CCF integrated into a WLAN that in no way overcomes the deficiencies of Pan. Although the Office Action asserts that Shoaib discloses a user manually

initiating a handover, this is not the same as a user manually overriding a handover. Shoaib's disclosure of a manual handover has no novelty; in that manual handovers have existed since the time that devices were available that could communicate with multiple networks. An automatic handover is generally an improvement on this capability. This is explicitly addressed in Shoaib: "While it is possible to initiate the handover processor manually via the mobile terminal, it is preferred that a process is developed where the handover is done automatically." *See* Shoaib, paragraph [0008]. The present invention, however, recognizes that a user may not always want an automatic handover, and enables the user to manually override the automatic handover by activating an override switch. Neither Pan, Segal, nor Shoaib, in any combination, disclose or suggest a handoff selector switch that allows a user to manually override a handoff. Shoaib's indication that an automatic process is preferred can be said to teach away from the Office Action's stated motivations for combining the inventions, i.e. to provide added enhancement of user participation in handover decision. *See* Office Action, page 6. Therefore, the cited references cannot be said to obviate the features recited in independent claims 12 and 13.

Following the above analysis, dependent claims 14-16, which respectively depend from claims 12 and 13, also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 13 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Pub. 2004/0105434 to Baw, in view of Shoaib, and further in view of US Pub. 2003/0134638 to Sundar et al. (hereinafter "Sundar"). Specifically, it

is asserted that Baw discloses a cellular network comprising call handoff circuitry to determine when a call handoff switch from an 802.1x network to the cellular network is to occur and to communicate with a media gateway to cause the call handoff to occur. Shoaib is introduced as allegedly disclosing determining a position of a handoff selector switch. Sundar is introduced as allegedly determining when a first signal strength falls below a first threshold and when a second signal strength rises above a second threshold. The Office Action combines these references in an attempt to render obvious the features recited in independent claim 13 and dependent claim 16. Applicants respectfully traverse in light of the amendments to the claims and the remarks to follow.

Neither of the cited references, alone nor in any combination, discloses or fairly suggests the present invention as recited in independent claim 13 and dependent claim 16. For example, Baw, Shoaib, or Sunder do not teach or suggest, among other things, the feature of determining that a handoff selector switch is not in an override position. As discussed above, support for this feature can be found in paragraph [0030] of the specification. This feature allows a user to continue communicating over a first network although the switching logic determines that a second network is more feasible. Baw discloses a proprietary algorithm that compares various parameters and decides on when to make the handoff. *See* Baw, paragraph [0204]. However, Baw does not disclose a handoff selector switch, or any other manual override to a handoff, or a cellular network with circuitry for determining the status of such a switch or override, as recited in claim 13.

As described above, Shoaib does not cure this deficiency. Although the Office Action asserts that Shoaib discloses a user manually initiating a handover, this is not the same as a user manually overriding a handover. The present invention recognizes that a user may not always

want an automatic handover, and enables the user to manually override the automatic handover by activating an override switch. Shoaib's indication that an automatic process is preferred can be said to teach away from the Office Action's stated motivations for combining the inventions, i.e. to provide added enhancement of user participation in handover decision. *See* Office Action, page 9. Finally, Sunder also does not cure the deficiencies in the Baw-Shoaib combination as identified above. Sunder discloses internetworking WLAN and WWAN environments for mobility management. *See* Abstract. Sunder does not disclose within its four corners a handoff selector switch, or any other manual override to a handoff, or a cellular network with circuitry for determining the status of such a switch or override, as recited in claim 13. Because a person having ordinary skill in the art would not be able to combine the cited references to arrive at the features of claim 13, the cited references cannot be said to obviate claims 13 and 16.

Applicants submit that none of the combinations of references cited in the Office Action disclose or suggest the feature of determining that a handoff selector switch is not in an override position. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combinations would not be able to obviate the present invention for at least the reasons set forth above. Consequently, the hypothetical combinations cannot be said to obviate the independent claims, and the rejection of the independent claims should be withdrawn and the claims found allowable. Moreover, since none of the cited references, alone or in combination, teaches all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any cited reference of record. For this reason, Applicants respectfully request withdrawal of the rejections of the dependent claims.

Conclusion

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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